

OCT 27 2003

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Request  
for  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/926,158
Filing Date	January 2, 2002
First Named Inventor	KANOKOGI, et al.
Art Unit	3682
Examiner Name	Marcus Charles
Attorney Docket Number	011203

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OCT 30 2003  
GROUP 3600

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☐ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☒ Other Communication to Examiner

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 50-2866

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)

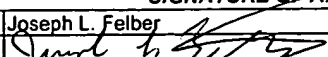
iii. ☐ Other \_\_\_\_\_

b. ☒ Check in the amount of \$ 880.00 enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Joseph L. Felber	Registration No. (Attorney/Agent)	48,109
Signature		Date	October 27, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	
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Date	

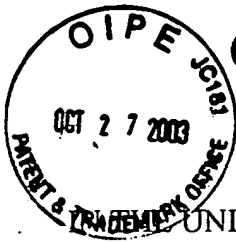
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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GROUP 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: KANOKOGI et al.

Group Art Unit: 3682

Serial Number: 09/926,158

Examiner: Marcus Charles

Filed: January 2, 2002

Confirmation No.: 4230

For: BELT FOR CONTINUOUSLY VARIABLE TRANSMISSION

Customer No. 38834

COMMUNICATION TO EXAMINER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 27, 2003

Sir:

Applicants file the accompanying Request for Continuing Examination (RCE) to obtain elaboration from the Examiner regarding his justification of the anticipation rejection and to obtain entry of the September 26, 2003 Amendment to claim 3.

Although the Examiner indicated during the September 24, 2003 telephone interview that he would enter the amendment to claim 3, he denied entry via the October 10, 2003 Advisory Action, and he did not explain why changed his position. Subsequent telephone inquiries by the undersigned to the Examiner-of-record yielded no explanation as of the time and date of this submission.

Applicants also submit the RCE for elaboration of the Examiner's position regarding the anticipation rejection of claim 1. The Examiner did not send an interview summary report in response to the June 24, 2003 telephone interview, and the Advisory Action did not confirm or assert disagreement in the applicants' interview summary provided in the September 26, 2003 submission.

In response to the present RCE, applicants request the Examiner now fully comment on his rationale for maintaining the anticipation rejection of claim 1 in view of applicants' remarks in the September 26, 2003 submission. For example, as requested on page 10 of the submission, applicants request the citation of the MPEP section that the Examiner relies upon to support his decision to disregard the quoted feature of the claim.

The examples provided above are not meant to be limiting. Applicant requests that, as the response to this RCE, the Examiner will fully respond to applicants arguments presented during the 24, 2003 interview and also to those presented with the September 26, 2003 Amendment.

Applicants maintain that the anticipation rejection of claim 1 should be withdrawn. Accordingly, a Notice of Allowability is now requested. If for any reason it is felt that this application is not now in condition for allowance, the Examiner is invited to contact applicant's undersigned attorney at the telephone number indicated below to arrange for disposition of this case.

In the event that this paper is not timely filed, applicants petition for an appropriate extension of time. The fees for such an extension, or any other fees which may be due, may be charged to Deposit Account No. 50-2866.

Respectfully submitted,  
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Joseph L. Felber  
Attorney for Applicants  
Reg. No. 48,109

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Enclosure: Petition for Extension of Time

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